



JK

540

.A3

1903

Author

Title

Imprint

10--47372-2 GPO

[In the Committee on the Judiciary of the House of Representatives.]

INAUGURATION DAY.

JANUARY 12, 1903.

Mr. PARKER, of the Committee on the Judiciary, submitted to them the following report on and statement of facts, which was ordered by the Committee to be printed.

[To accompany S. R. 2 and H. J. Res. 233.]

WASHINGTON, *January 12, 1903.*

The JUDICIARY COMMITTEE,
House of Representatives:

At your request I have put in more careful form the considerations heretofore submitted on the subject of the day of inauguration.

The committee have before them several suggested plans.

Senate Joint Resolution 2, passed by the Senate and referred to the committee February 12, 1902, proposes a constitutional amendment whereby the terms of the President, the Vice-President, and of Congress shall begin on the last Thursday of April instead of March 4; and whereby in case of failure to elect, either by the electors or in the House of Representatives, the Vice-President as chosen by the Senate shall become President.

The words of the amendment are as follows:

That the Fifty-eighth Congress and the term of office of the President and Vice-President shall continue until the last Thursday of April, in the year nineteen hundred and five, at noon; and the last Thursday of April, at noon, shall thereafter be substituted for the fourth day of March as the commencement and termination of Congress and of the terms of the President, Vice-President, Senators, Representatives, and Delegates in Congress. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the last Thursday in April next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.

If this amendment be adopted it would lengthen the present short session of the old Congress after election of a new Congress, unless by law the election should be changed to the spring.

A second proposition is that of Mr. De Armond, embodied in House Joint Resolution 233, that the Presidential term should begin April 30, that of Congress on January 8, and that no session of Congress should be held between election and that date except in emergency and to

5K540
A33
1903

consider emergency measures. Under this amendment, if adopted, the old President would sit with the new Congress from January to April. Mr. De Armond indorses the provision as to the election of President by the Senate, and proposes to add to his resolution the last sentence of Senate Joint Resolution 2. His own proposed amendment is as follows:

The term of office of the President shall continue until the thirtieth day of April, in the year nineteen hundred and five, at noon, and the thirtieth day of April, at noon, shall thereafter be substituted for the fourth day of March as the beginning and the ending of the terms of the President and Vice-President; and the Fifty-ninth Congress shall end and the Sixtieth Congress shall begin the eighth day of January, nineteen hundred and seven, at noon, and thereafter each Congress shall begin and end on the eighth day of January, at noon; and no Congress after the Fifty-eighth shall meet or sit later than the day for the election of a new Congress, except when convened by the President in extraordinary session, in a great emergency, which shall be stated in his proclamation; and in such extraordinary session none but emergency measures shall be passed or considered.

Some of us regard it as the most important consideration that the newly elected President and Congress should get to work shortly after election, and, believing that such elections can not well be moved to the spring, we suggest that Congress should meet in a month after the November election, and the President be inaugurated a month later—that is, in January. A proper form of such amendment might be as follows:

The terms of office of Senators and Representatives that shall be elected or chosen next after the ratification of this amendment shall end on the first day of December preceding the day when such terms would otherwise end, and the terms of the President and Vice-President that shall be elected next after such ratification shall end on the second day of January preceding the day when such term would otherwise end.

The subject has naturally brought up the history of how March came to be adopted, what difficulties have been ascertained by experience, and what various remedies might be recommended, with their advantages and disadvantages.

The discussion as to the day on which the inauguration of the President should be celebrated has excited public interest and involved questions of graver importance than the comfort of the crowds who gather upon that day, or than the risk to the President himself by exposure to cold and stormy weather. The date of that inauguration has made a short session almost a necessity, and that session is held by the old President and Congress after the election of a new President and the new Congress, so that active legislation is sometimes carried on by men, many of whom know that after a few months they will have no further share in the Government. Such a condition is an anomaly in administration and can not serve the welfare of the country. The original resolution, proposing to postpone the inauguration to April 30, would only lengthen the time between the November elections and the term of the new Congress, and thus extend the months of this short session, unless the election itself were postponed to the spring.

It has been often suggested as a remedy that Congress should meet in March following the election. The farmer's love for his crops made this impossible in the beginning of our nation, when Congress was made up of farmers. More recently, and since the Capitol was established at Washington, Congress has also had to consider the great heat of the weather in that place during the late spring and the summer, and for

APR 30 1903
D. of D.

these reasons there has been an unconquerable repugnance to beginning the sessions of Congress in March.

Thus it happens that the new Congress is not sworn in until December, and nevertheless its members-elect are paid from March. In case of contest, where another person is admitted, there is double pay for all this time. All sorts of evil consequences flow from the postponement of the meeting of the new Congress for over a year and one month after its election and for nine months after the beginning of the Congressional term, and still greater evils come to pass from holding a short session after the election of the new Congress. There is, however, a different view held by others, namely, that it is advisable to let partisan feeling cool after election, and for that purpose delay the institution of the new administration. It is fair to state this view, though I do not share it.

It is of historical interest to see how the present state of affairs came about. We get little information from the Constitution itself. That instrument is strangely silent on the great question of how it was to be put into operation. It tells us that it shall go into effect when it shall have been ratified by the conventions of nine States (Article VII):

The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

It declares also, in Article I, section 4, that—

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof—

subject to change by Congress; that the Congress shall assemble at least once in every year, and that “such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.” So far it seems plain that after 9 States shall have ratified the Constitution by their conventions, each State might hold an election for members of Congress, the legislators would choose Senators, and, unless otherwise provided by law, Congress would meet on the first Monday in December thereafter. It would seem as if the Government of the United States under the new Constitution was expected to begin on that day, so far as that Constitution speaks.

But the place of meeting is left absolutely undefined by the Constitution.

There is still more uncertainty and difficulty under the terms of the instrument about the election of a President. By Article II, section 1, each State was to appoint the electors in such manner as the legislature might direct, and the Congress might determine “the time of choosing the electors and the day on which they shall give their votes, which day shall be the same throughout the United States.” Until Congress should exist and should fix the time for choosing electors, the States could probably proceed to make that choice without limitation. But the day on which the electors so chosen should meet and vote was to be the same within the United States and could not be determined except by Congress.

How this was to be done when there was as yet no Congress, and how then the first election of the President was to be held, are not gathered from the Constitution. And whether this time could be fixed for choosing a President by concurrent resolution of the two Houses, or whether the States should take the responsibility of proceeding with the meeting of the electors, each for themselves, would

likewise seem to be a question of doubt. However, with the Constitution alone to guide us, it would be supposed that the electors would proceed to hold their meeting in the several States at such time as the States should think proper, and that the clause of the Constitution just recited that Congress should fix the day of election would be left in abeyance until there should be a Congress, including a President, to make this regulation.

It is in this manner that one would suppose that the new Government would have been formed under the Constitution. It was not thus formed. It did not go into effect upon the first Monday in December, but upon the first Wednesday in March. The day for the choosing of electors—that is, the election day—as well as the day for the meeting of the electors, and the day and place for the first meeting of Congress and for the establishment of the new Government were not fixed by the Constitution itself, nor by the several States, nor by the new Congress, but by an outside authority—the Congress of the old Confederation.

By the articles of that Confederation it had been provided that those articles should be perpetual, and that no alteration thereof should be made unless it should be agreed to in a Congress of the United States and be afterwards confirmed by the legislatures of all the several States. The Constitutional Convention of 1787 was, therefore, called under a resolution of the old Congress recommending a convention of delegates, which should consider and report to that Congress a proposed revision of the Articles of Confederation, so that the alterations and new provisions so reported should be agreed to in a Congress and confirmed by the States.

Thus the resolution pursued carefully the mode of amendment and alteration provided by the Articles of Confederation, except that it interposed a convention for the purpose of originating the changes to be proposed in the existing form of government, adding, however, the great general purpose of rendering the Federal Constitution adequate to the exigencies of government and the preservation of the Union. (Constitutional History of the United States, George Ticknor Curtis, vol. 1, p. 245.)

The convention, as is well known, went much further than was proposed by this resolution of the Congress of the Confederation. It reported a constitution which was a revolution, and was to take the place of the Articles of Confederation, and was to be adopted by conventions of the people. It was also recognized that so radical a change might not obtain the assent of all the States, and it was therefore provided that this new constitution should go into effect upon the ratification by nine States.

“Article VII. The ratification of the conventions of nine States shall be sufficient for the establishment of this constitution between the States so ratifying the same.” At the same time the conservative men who drew the new constitution desired that this great change should be instituted with the assent of the old government rather than by way of revolution. It was well pointed out by Curtis (vol. 1, p. 246):

For the wise precedent, thus established, of placing the formation of a new government under the direct sanction of the old one, the people of this country are indebted chiefly to Hamilton. Nothing can be more unfortunate in any country than the necessity, or the rashness, which sweeps away an established constitution before a substitute has been devised. True liberty has gained little, in any age or country, from revolutions which have excluded the possibility of seeking or obtaining the assent of existing power to the reforms which the progress of society has demanded.

*

*

*

*

*

*

*

In the days when the Confederation was tottering to its fall; when its revenues had been long exhausted, and when its Congress embraced, in actual attendance, less than thirty delegates from only eleven of the States, it would have been the easy part of a demagogue to overthrow it by a sudden appeal to the passions and interests of the hour as the first step to a radical change. But the great man, whose mature and energetic youth, trained in the school of Washington, had been devoted to the formation and establishment of the Union, knew too well that if its golden cord were once broken no human agency could restore it to life. He knew the value of habit, the respect for an established, however enfeebled, authority; and while he felt and insisted on the necessity for a new constitution, and did all in his power to make the country perceive the defects of the old one, he wisely and honestly admitted that the assent of Congress must be gained to any movement which proposed to remedy the evil.

Accordingly, when the convention had agreed on the form of the proposed constitution, they reported it to the Congress of the Confederation, and shortly before their adjournment adopted a resolution, on September 17, 1787, which left the old Congress in full control of the situation and of starting the wheels of the new government.

Resolved, That it is the opinion of this convention that as soon as the conventions of nine States have ratified this Constitution, the United States in Congress shall fix a day on which electors shall be appointed by the States which shall have ratified the same, and a day on which the electors shall assemble to vote for President, and the time and place for commencing the proceedings under this Constitution; that after such publication the electors should be appointed and the Senators and Representatives elected; that the electors should meet on the day fixed for the election of the President, and should transmit their votes certified, signed, sealed, and directed, as the Constitution requires, to the Secretary of the United States in Congress assembled; that the Senators and Representatives shall convene at the time and place assigned; that the Senate should appoint a president for the sole purpose of receiving, opening, and counting the votes for President, and that after he shall be chosen the Congress, together with the President, should, without delay, proceed to execute the Constitution. (Madison Papers, 541, and Journal of Congress, vol. 12, pp. 163, 164, and vol. 4, p. 781, of the reprint.)

Thus the convention left to the old Congress of thirteen States to start the new government of nine, to fix election days and the time and place for beginning the new government. The votes were to be sent to the secretary of the Confederation, there being no President of the Senate, and this last officer was to be elected *pro tempore* to count the votes and thus install a Vice-President.

An official letter to Congress was prepared to accompany the Constitution, which was signed on the 14th day of September, 1787. The results of the proceedings, which till then had been absolutely secret, were published on September 19. The Congress of the Confederation then passed an ordinance recommending the calling of conventions in the several States to consider the ratification of the new Constitution, and these were called. But, as is well known, the ratification of the Constitution by nine States was long delayed. Three, Delaware, Pennsylvania, and New Jersey, ratified in December, 1787; Georgia and Connecticut in January, 1788; Massachusetts in February; Maryland, April 28; South Carolina, May 23, and New Hampshire, the ninth State, on June 21, 1788. The news of the ratification by these nine States was then communicated to the Congress of the Confederation in a long and careful letter signed by George Washington.

It was thus by a sort of common consent (though not by the terms of the Constitution itself) submitted to the Congress of the Confederation to determine when and where the new government should go into effect. It may be that the assent of the Congress of the Confederation was not necessary, but it was desired. The new Constitution

had been so carefully drawn as that in every respect it strengthened rather than repealed the provisions of the Articles of Confederation, including all these provisions and many more. It was a "more perfect union" as between the States which adopted it. It might be argued that this more perfect union between some of the States was not inconsistent with the imperfect union which already existed with the others, and that if any State should not sign the Constitution it would still be in the Confederation with those that had so signed.

In requiring the assent of nine States as a prerequisite to the existence of the Constitution, as well as in asking the assent of the Congress of the Confederation, the convention followed with the provision of the Articles of Confederation that "no two or more States should enter into any treaty, confederation, or alliance whatever between them without the consent of the United States in Congress assembled, specifying accurately the purpose for which the same is to be entered into and how long it shall continue" (Article VI, paragraph 2), while by those same articles questions of war and peace, treaties and alliances, coining money, raising expenses, borrowing or appropriating money, settling the size of the Navy or of the Army, or appointing a commander in chief thereof, were not to be considered unless nine States should assent to the same (Article IX, next to last paragraph). The new Constitution was very largely directed to these vital questions and required the same ratification by nine States.

It looks as if the new Constitution was to be so established under the old Articles of Confederation as to allow both to exist together if only part of the States should finally ratify the more perfect union.

We have no report of the proceedings and debates of the Congress of the Confederation at that time, but in the resolutions which were proposed and adopted this question as to what should be the status between the States who should come in under the Constitution and those who should stay out was wisely left in the background. It is apparent, however, that there was much discussion and dissension as to the place where the first meeting of the new Congress should take place and which would be the new seat of government. In the various resolutions introduced between June and September there is also some difference as to when the election shall be held, but they all mention an early day in March, 1789, as the time for commencing proceedings under the new Constitution. It is easy to see why this was so. Nine States had joined by June 21, 1788, but the great State of Virginia did not ratify the Constitution till June 26, nor did New York till July 26. North Carolina and Rhode Island refused to go into the new Union at all and did not finally join until November 21, 1789, and May 29, 1790, respectively.

Thus in the summer of 1788, and even in September of that year, when eleven States had ratified, it still seemed expedient to leave time for the other States to debate the matter and to come in. Legislatures would meet in the winter, and action of the legislatures of various States was requisite not only to elect Senators, but also to appoint election days for members of Congress, while in the absence of railroads and telegraphs, communication with the more distant States was slow and difficult from the city of New York. Therefore it was essential to make the day so late that elections could be held, but it seemed equally essential that the adoption and the actual working of the Constitution should not be delayed until the December of

the following year, and accordingly on September 13, 1788, a resolution of Congress was passed, as follows:

Whereas the convention assembled in Philadelphia, pursuant to the resolution of Congress of the 21st of February, 1787, did, on the 17th day of September of the same year, report to the United States in Congress assembled a Constitution for the people of the United States; whereupon Congress, on the 28th of the same September, did resolve unanimously "that the said report, with the resolutions and letter accompanying the same be transmitted to the several legislatures, in order to be submitted to a convention of delegates, chosen in each State by the people thereof, in conformity to the resolves of the convention made and provided in that case." And whereas the Constitution so reported by the convention and by Congress transmitted to the several legislatures has been ratified in the manner therein described to be sufficient for the establishment of the same and such ratifications, duly authenticated, have been received by Congress and are filed in the office of the secretary; therefore,

Resolved, That the first Wednesday in January next be the day for appointing electors in the several States, which, before the said day, shall have ratified the said Constitution; that the first Wednesday in February next be the day for the electors to assemble in their respective States and vote for a President, and that the first Wednesday in March next be the time and the present seat of Congress the place for commencing the proceedings under the said Constitution. (Journal of Continental Congress, Vol. IV, page 867.)

Thus the time in which the Constitution should go into effect was fixed by a body which was not mentioned in that Constitution. The Congress of the old Confederation, which thus gave their assent to the institution of this new Government within the boundaries of the old, ratified a new Government, which was to take effect by its own vigor, *proprio vigore*, but nevertheless by the assent of the old. There is no statement in this resolution that the old Government shall cease to exist, but there runs through all the proceedings the recognition that, with the institution of the new, the old one would fade away. But it is a strange proof of the real sense of the union of the whole nation that the old Government, without authority therefor in its articles of confederation, should fix the day for appointing electors, and the day for them to assemble in their respective States and vote for a President, and the day for commencing proceedings under a new Constitution.

Oddly enough, nothing is said, even in this resolution, as to the assembling of Congress on the 4th of March. The resolution simply says that it is the time for commencing proceedings under the new Constitution. By that Constitution there was to be no meeting of Congress until the first Monday in December. At the same time it was manifest, and had been recognized in the resolution of the Constitutional Convention, that there could be no President till the votes were counted in the presence of Congress, so that if proceedings were to commence at all they must commence by the assembling of the new Congress for that purpose.

Accordingly a Congress did assemble in New York, nominally on the 4th of March, 1789. On March 4 but 8 of the 22 Senators appeared. Adjournments were had from day to day until the 11th, when an urgent call was sent out. Adjournments were again made from day to day until the 18th, when another call was sent out. The Senate then adjourned again from day to day until April 6, when, a quorum having appeared, the vote was counted, and George Washington and John Adams were declared elected President and Vice-President, and committees were sent to look them up at their homes, where they had remained. The building that was in use was that of the city of New York, and the city was thanked for the accommodations furnished.

On April 18 the Vice-President appeared and took the chair, and adjournments continued from day to day until the 25th, when the Houses learned that the President had received notice of his election and had agreed to attend at any time that the Houses would appoint. It was understood that preparations could not be made before Thursday, April 30, and it was ordered that the President should then be received by both Houses in the Senate Chamber. He landed in the city of New York, having been conducted over the Hudson in a barge, and was "received with acclamation." On the 30th of April the minutes tell us that he was duly received by the Vice-President, conducted to the chair, and given the oath of office, and that the crier made proclamation, "Long live George Washington, President of the United States." Thus the new Government had begun on the 4th of March, but it had no President until the 30th of April. The counting of the vote was not, as it is now, by a previous Congress, but by the one that was elected to take office, and which thereupon met for the purpose of counting the votes and placing the President in office.

It is probable that the fathers of the Constitution supposed that this procedure would be continued to this day. They had no dream that the old Congress would sit between election day and the time when the new Congress would have the right to take office, and expected the new President to be sworn in in the presence of a Congress that had been elected with himself, precisely as the mayor of a city is sworn in in the presence of the board of aldermen who have been chosen at the same election. Possibly this would have continued to be the course of practice if it had been possible to hold elections in time for a meeting of the first Congress on the first Monday of December, 1788, instead of the 4th of March, 1789.

[It has elsewhere been noted how loath the Senators were to leave their farms before the seed was in the ground. The Senators from New Jersey, just across the river, were as late as any others. They probably heard how many Senators were already in New York and knew that they could wait until a quorum was likely to be assembled. But the question of the day of meeting immediately troubled the Congress. On September 29, after a long session in the city of New York, it was resolved that the next meeting should be on the first Monday in January, 1790. That Congress of 1790 sat till July 16, when they ordered the records sent to Washington for the first Monday in December, 1790. Congress then sat till March 2, 1791, being the first short session, and passed a resolution that after the 3d of March the first annual meeting of Congress should be on the first Monday of October then next. That Congress ordered that its second session should be on the 5th day of November, 1792, and afterwards we find the meetings of Congress on December 2, 1793, November 3, 1794, December, 1795 and 1796; May 15, 1797, November 13, 1797; 3d of December, 1798, etc.

Thus the fathers of the Constitution had intended that sessions should be held at the date when Congressmen took office, but the change from December to March with the crops and Washington weather were too much for good intentions. The first Wednesday of March, 1789, happened to be on the 4th, and as the Congress holds for two years and the President for four years, the 4th of March has become a fixed day without reference to the day of the week, although in

almost all the States governors are elected for a term of years, but take office a certain week day of a particular month. But Washington held the first Presidency only from April 30, or for a little over three years and ten months, and not four years.

Let us remark that the difficulties under which we labor were not the intention of the framers of the Constitution, but came from matters beyond their control. The delay in the ratification of the Constitution pushed over the beginning of our Government from December till March, and everything else merely followed.

If those are right who desire the abolition of the short session, then perhaps at whatever personal inconvenience Congress should hold its first session on the 4th of March until some amendment to the Constitution shall have made a more convenient day.

It is hard to make changes, and certainly it is too much to expect of any officer such self-abnegation as to consent to the shortening of his own term, but deeming it of the highest importance that the term of Congress and the Presidential term should begin shortly after election, it is not, perhaps, too much to expect that a constitutional amendment might be passed shortening the next Presidential term so as to end on January 1 or 2, and making the Congressional term begin in December. Even if political interests do not require such a change, business interests do. The long period of uncertainty between the election and the meeting of each new Congress is a menace to prosperity. The injury to the country done by such a period of waiting has necessitated two extra sessions within ten years, one to repeal the Sherman law and the other to enact the Dingley tariff.

These are only examples of the effect of that delay.

The whole country is indebted to the agitation for a change of the inauguration to April 30 for bringing this question to public attention. It is after all of very little consequence when the great public ceremonies of the inauguration shall be held. In other countries a coronation day is held long after the King has taken the throne. No doubt this would not suit the practical, patriotic American, who looks beyond the mere pageant to the vital fact that a new President is taking his seat, to the declarations of his policies and principles contained in his inaugural, and to the declaration of allegiance which citizens of all parties make on that day to their elected chief. The question of the weather on inauguration day is grave, considering the vast crowds that are present here; but this question of weather is of little importance compared with the necessity of setting the wheels of the new Government going early and at such time of the year that steady, useful work may be done.

It takes at least a month to organize a Congress and for the committees to be ready with their work. If they meet in December they could get to work early in January, and can sit with comfort until June. But many considerations urge that we should no longer see the spectacle of the short session, with a Congress rushing through half considered measures so as to be done by the 4th of March, and so often filled with members whose political career is over, and the more reckless in their actions because they feel no responsibility to the future.

In the Fiftieth Congress (House resolution No. 120) it was proposed to begin the Congressional term for Representatives on January 1 and

to inaugurate a President on April 30. In a well-considered report (House report No. 841) Mr. Crain remarks as follows:

The primary object sought to be accomplished by the ratification of this amendment is to change the time fixed for the commencement and termination of the official term of members of the House of Representatives. The necessity for such change is obvious from a consideration of the evils which flow from our present system of representation.

The House chosen in November does not begin its work for thirteen months after its election, although its members draw their salaries from the 4th of March next succeeding. For nine months there is no Speaker of the House; before its members have served their full term their successors are chosen; the certain determination of the second session at 12, meridian, on the 4th of March often prevents the passage of important measures, either from lack of time, as in the case of the deficiency bill at the second session of the Forty-ninth Congress, or because the President has not had an opportunity to examine them, as happened with the river and harbor bill at the close of the same session. The efficiency of Representatives during the short session is sometimes impaired because they have failed of reelection; Representatives are chosen upon issues which may have been settled when they came to the Capitol to enter actively upon the performance of their duties; the people in many instances are not represented by the men whom they have to represent them, but defeated candidates hold over, and the month of December in the first session is practically wasted by the House on account of the holiday adjournments.

Should the proposed amendment be adopted, the members of the House elected in November would have about sixty days in which to receive their certificates of election, to prepare for contests, to arrange their private affairs in contemplation of a protracted absence from home, and to reach the capital. There would be no holiday adjournments; the House would only be about eight days without a Speaker, instead of nine months, as under the present system; the theory of the founders of the Constitution, that the Representatives should come "fresh from the people," would be carried out, and they would be engaged in the settlement of the issues upon which they were chosen within sixty days after their election.

The House chosen at the Presidential election would assist in the counting of the Presidential vote and elect the President in case the election should devolve upon the House; there would be two long sessions without any fixed time for adjournment, except such as might be agreed upon by both Houses, and there would, consequently, be no failure of important bills for want of time. There would be no election between the sessions, and therefore each member would be as efficient during the second session as he was during the first. Representatives would not be placed in the dilemma of choosing between a temporary abandonment of their post of duty and the alternative of defeat at home; and they would have an opportunity, between the sessions, to visit their constituents and to discuss pending measures with them. The first session would not be a game of chess between the two parties with the fall elections as the wager, and there would be no necessity for extra sessions.

There are difficulties that were not foreseen by our fathers. They expected that the electoral vote would be counted by the new Senate in the presence of the new House, as a mere matter of form, on a single day. It may well be argued that they thought this was to be only a ministerial act, and would have been shocked at the idea of a long count in the presence of the two Houses, acting as a court under the advice of an electoral commission. Possibly wise statesmanship would require that time should be allowed for the count, and that the President's inauguration should be a month after the meeting of Congress and the canvass of the vote.

In these days of railroads and telegraphs the electoral vote could be cast and sent in from the most remote section of the United States within two weeks of election, and another two weeks should be enough for counting.

What will be done is a question. There is no great governmental problem without its difficulties. But the time is ripe for giving this question at least a full, fair, and careful consideration and discussion.

Mr. Crain's report, already recited, recommends that the term of Representatives begin on December 31 every two years, and the term of

the President on the 30th of the next April of every four years. Thus the session of Congress would involve the change of Senators on March 4 and of the President April 30. Consistent and harmonious action would hardly be promoted by this plan.

Another plan suggested by this report is that there be March sessions every year. The objection is that there is time between election and March to tempt the meeting of the old Congress and that there is not enough seasonable weather after March for a meeting of the new.

It thus appears that a practical arrangement of the whole question is not an easy one. It is complicated by the seasons so as to have proper times for the campaign, election, inauguration, and meetings of the State legislatures who elect Senators.

There should not be too much of a period for uncertainty as to the policy of the new Congress and for legislation by the old Congress between the election and the installation of the new Government; that is to say, the electoral college should meet promptly after election or "appointment of electors;" the new Government should meet shortly thereafter and count the vote, and the new President should be thereupon inaugurated shortly after the meeting of Congress.

This was the intention of the Constitution. It says that the President shall hold office for four years. It did not say that the office shall begin with the first day of Congress. The term of George Washington began on the 30th day of April, when he was sworn in, and if the strict words of the Constitution had been followed it seems as if the inauguration day for the President would now come on the 30th day of April, as proposed by the Senate and House resolutions.

As to the time to be allowed, our forefathers thought that the "election or appointment of electors" should be on the first Wednesday of January, the choosing of a President on the first Wednesday of February, and the meeting of Congress on the first Wednesday of March. With the present means of communication, the intervals of a month then allowed could be reduced readily to two or three weeks, though a month might be safer.

The experience of a hundred years has proved that the 4th of March to begin a new Administration is a failure. The severity of the winter weather prevents election then, and the heat of the spring in Washington prevents a session of Congress.

On the whole, the best arrangement, in my opinion, would be to let the new Congress and the inauguration follow successively, but promptly, after the fall elections. If the election were on the first Tuesday of November the electors might meet on the third Tuesday and Congress during the first week of December, and the new President could be installed in the first week of January. There is something to be said in favor of making all these dates one month earlier. Such an arrangement is entirely satisfactory, except as to Senators. If their terms of office change in the fall they would have to be chosen by legislatures elected in the previous fall. There is, however, no constitutional objection to the change of their term in March, as at present, although such a change of Senators in the middle of the session would be highly inconvenient.

Considering the difficulty, however, of altering the custom of a November election and of a December meeting of Congress, the question of the weather on the 1st of January should be regarded

as of trivial importance. Believing that for the reasons already stated the good of the country requires that the Senatorial and Congressional terms should expire and the new Government be installed in toto shortly after election, I therefore recommend that the resolution be so amended as that the term of Congress should begin on the 1st day December and that the President should be sworn in on the 2d day of January. This will leave ample time for the meeting of the electoral college after the fall elections and the count of the vote, say, on the 15th of December.

These are the dates which seemingly were contemplated by the Constitution itself when it ordered Congress to meet in December. No other plan will avoid the evils which lie at the root of the matter.

It is true that there is some difference of opinion on this subject, and that by some the present delays are thought to tend to conservatism in government, and the present session of the old Congress is defended. I do not agree with their view. But we may admit that if they are right, then the session should be long enough to do business without undue haste, and that if the present system is to continue, inauguration day and the beginning of the new Congressional term might properly be postponed till April 30, in order to give time for the session of the old Congress and decent weather for the inauguration of the Chief Magistrate of the greatest nation in the world.

R. WAYNE PARKER.



LIBRARY OF CONGRESS



0 019 308 928 8